

**ASSEMBLY BILL**

**No. 2908**

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**Introduced by Committee on Higher Education (Assembly Members Medina (Chair), Baker (Vice Chair), Bloom, Chávez, Irwin, Levine, Linder, Low, Olsen, Santiago, and Weber)**

March 8, 2016

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An act to amend Sections 66028.6, 67380, 69432.9, 69439, and 99161.5 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2908, as introduced, Committee on Higher Education. Postsecondary education: omnibus.

(1) Existing law requires the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing boards of postsecondary educational institutions receiving public funds for student financial assistance to require the appropriate officials at each campus to compile records of specified crimes and noncriminal acts reported to campus police, campus security personnel, campus safety authorities, or designated campus authorities and transmit a report containing a compilation of that information to the Legislative Analyst's Office.

This bill would repeal the requirement that the information be reported to the Legislative Analyst's Office.

(2) The Cal Grant Program establishes the Cal Grant A and Cal Grant B Entitlement awards, the California Community College Transfer Entitlement awards, the Competitive Cal Grant A and B awards, the Cal Grant C award, and the Cal Grant T award under the administration of the Student Aid Commission, and establishes eligibility requirements

for awards under these programs for participating students attending qualifying institutions. As part of these eligibility requirements, existing law requires the commission to require that a grade point average be submitted to it electronically for all grade 12 pupils at public schools, including charter schools, each academic year, except for those pupils who, after being notified by October 15 of their grade 12 academic year, have opted out of being deemed a Cal Grant applicant.

This bill would specify that the grade point averages for grade 12 pupils are to be submitted by October 1 of each academic year, and would require that pupils be notified by January 1 of their grade 11 academic year that they can opt out. To the extent that these provisions would impose new duties on local educational agencies and community college districts, they would constitute a state-mandated local program.

(3) Existing law requires the Legislative Analyst's Office to submit a report, containing specified information, to the Legislature on or before April 1, 2015, and a report with more limited information each odd year thereafter, regarding outcomes of the Cal Grant C program.

This bill would require that the report to be submitted on or before April 1, 2017, include all of the information required in the April 1, 2015, report. The bill would require the Student Aid Commission, instead of the Legislative Analysts Office, to submit a report with the more limited information on or before April 1, 2019, and on or before April 1 of each odd numbered year thereafter.

The bill would also make conforming changes and connect a cross-reference.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 66028.6 of the Education Code is  
2 amended to read:

66028.6. (a) Notwithstanding Section 10231.5 of the Government Code, commencing with the 2012–13 academic year, the regents and the trustees shall annually provide the Legislature, by February 1 of each year, with detailed information regarding expenditures of revenues derived from student fees and uses of institutional financial aid, and shall provide information regarding the systemwide average total cost of attendance per student. For purposes of meeting the requirements of this section, the regents and the trustees may include this information in their respective annual ~~report~~ *reports* on institutional financial aid pursuant to Section 66021.1.

(b) Notwithstanding Section 10231.5 of the Government Code, ~~commencing with the 2012–13 academic year, the Legislative Analyst’s Office shall annually review, the regents and trustees shall each submit a report to the Legislature, by March 1 of each year,—institutional describing their respective institution’s compliance with the policies set forth in this article, and report, in writing, to the Legislature its findings, conclusions, or recommendations regarding the implementation of these policies. This report shall include an assessment of the information provided by the regents and the trustees pursuant to subdivision (a).~~ *article.*

(c) A report submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 2. Section 67380 of the Education Code is amended to read:

67380. (a) Except as provided in subparagraph (C) of paragraph (6), the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing board of any postsecondary educational institution receiving public funds for student financial assistance shall do all of the following:

(1) Require the appropriate officials at each campus within their respective jurisdictions to compile records of both of the following:

(A) All occurrences reported to campus police, campus security personnel, or campus safety authorities of, and arrests for, crimes that are committed on campus and that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.

1 (B) All occurrences of noncriminal acts of hate violence reported  
2 to, and for which a written report is prepared by, designated campus  
3 authorities.

4 (2) Require any written record of a noncriminal act of hate  
5 violence to include, but not be limited to, the following:

6 (A) A description of the act of hate violence.

7 (B) Victim characteristics.

8 (C) Offender characteristics, if known.

9 (3) (A) Make the information concerning the crimes compiled  
10 pursuant to subparagraph (A) of paragraph (1) available within  
11 two business days following the request of any student or employee  
12 of, or applicant for admission to, any campus within their respective  
13 jurisdictions, or to the media, unless the information is the type of  
14 information exempt from disclosure pursuant to subdivision (f) of  
15 Section 6254 of the Government Code, in which case the  
16 information is not required to be disclosed. Notwithstanding  
17 subdivision (f) of Section 6254 of the Government Code, the name  
18 or any other personally identifying information of a victim of any  
19 crime defined by Section 243.4, 261, 262, 264, 264.1, 273a, 273d,  
20 273.5, 286, 288, 288a, 289, 422.6, 422.7, or 422.75 of the Penal  
21 Code shall not be disclosed without the permission of the victim,  
22 or the victim's parent or guardian if the victim is a minor.

23 (B) For purposes of this paragraph and subparagraph (A) of  
24 paragraph (1), the campus police, campus security personnel, and  
25 campus safety authorities described in subparagraph (A) of  
26 paragraph (1) shall be included within the meaning of "state or  
27 local police agency" and "state and local law enforcement agency,"  
28 as those terms are used in subdivision (f) of Section 6254 of the  
29 Government Code.

30 (4) Require the appropriate officials at each campus within their  
31 respective jurisdictions to prepare, prominently post, and copy for  
32 distribution on request, a campus safety plan that sets forth all of  
33 the following: the availability and location of security personnel,  
34 methods for summoning assistance of security personnel, any  
35 special safeguards that have been established for particular facilities  
36 or activities, any actions taken in the preceding 18 months to  
37 increase safety, and any changes in safety precautions expected to  
38 be made during the next 24 months. For purposes of this section,  
39 posting and distribution may be accomplished by including relevant

1 safety information in a student handbook or brochure that is made  
2 generally available to students.

3 (5) Require the appropriate officials at each campus within their  
4 respective jurisdictions to report information compiled pursuant  
5 to paragraph (1) relating to hate violence to the governing board,  
6 trustees, board of directors, or regents, as the case may be. The  
7 governing board, trustees, board of directors, or regents, as the  
8 case may be, shall, upon collection of that information from all of  
9 the campuses within their jurisdiction, ~~transmit a report containing~~  
10 ~~a compilation of that information to the Legislative Analyst's~~  
11 ~~Office no later than January 1 of each year and shall make the a~~  
12 ~~report containing a compilation of that information~~ available to  
13 the general public on the Internet Web site of each respective  
14 institution. It is the intent of the Legislature that the governing  
15 board of each community college district, the Trustees of the  
16 California State University, the Board of Directors of the Hastings  
17 College of the Law, the Regents of the University of California,  
18 and the governing board of any postsecondary educational  
19 institution receiving public funds for student financial assistance  
20 establish guidelines for identifying and reporting occurrences of  
21 hate violence. It is the intent of the Legislature that the guidelines  
22 established by these institutions of higher education be as consistent  
23 with each other as possible. These guidelines shall be developed  
24 in consultation with the Department of Fair Employment and  
25 Housing and the California Association of Human Relations  
26 Organizations.

27 (6) (A) Notwithstanding subdivision (f) of Section 6254 of the  
28 Government Code, require any report made by a victim or an  
29 employee pursuant to Section 67383 of a Part 1 violent crime,  
30 sexual assault, or hate crime, as described in Section 422.55 of the  
31 Penal Code, received by a campus security authority and made by  
32 the victim for purposes of notifying the institution or law  
33 enforcement, to be immediately, or as soon as practicably possible,  
34 disclosed to the local law enforcement agency with which the  
35 institution has a written agreement pursuant to Section 67381  
36 without identifying the victim, unless the victim consents to being  
37 identified after the victim has been informed of his or her right to  
38 have his or her personally identifying information withheld. If the  
39 victim does not consent to being identified, the alleged assailant  
40 shall not be identified in the information disclosed to the local law

1 enforcement agency, unless the institution determines both of the  
2 following, in which case the institution shall disclose the identity  
3 of the alleged assailant to the local law enforcement agency and  
4 shall immediately inform the victim of that disclosure:

5 (i) The alleged assailant represents a serious or ongoing threat  
6 to the safety of students, employees, or the institution.

7 (ii) The immediate assistance of the local law enforcement  
8 agency is necessary to contact or detain the assailant.

9 (B) The requirements of this paragraph shall not constitute a  
10 waiver of, or exception to, any law providing for the confidentiality  
11 of information.

12 (C) This paragraph applies only as a condition for participation  
13 in the Cal Grant Program established pursuant to Chapter 1.7  
14 (commencing with Section 69430) of Part 42.

15 (b) Any person who is refused information required to be made  
16 available pursuant to subparagraph (A) of paragraph (1) of  
17 subdivision (a) may maintain a civil action for damages against  
18 any institution that refuses to provide the information, and the  
19 court shall award that person an amount not to exceed one thousand  
20 dollars (\$1,000) if the court finds that the institution refused to  
21 provide the information.

22 (c) For purposes of this section:

23 (1) "Hate violence" means any act of physical intimidation or  
24 physical harassment, physical force or physical violence, or the  
25 threat of physical force or physical violence, that is directed against  
26 any person or group of persons, or the property of any person or  
27 group of persons because of the ethnicity, race, national origin,  
28 religion, sex, sexual orientation, gender identity, gender expression,  
29 disability, or political or religious beliefs of that person or group.

30 (2) "Part 1 violent crime" means willful homicide, forcible rape,  
31 robbery, or aggravated assault, as defined in the Uniform Crime  
32 Reporting Handbook of the Federal Bureau of Investigation.

33 (3) "Sexual assault" includes, but is not limited to, rape, forced  
34 sodomy, forced oral copulation, rape by a foreign object, sexual  
35 battery, or the threat of any of these.

36 (d) This section does not apply to the governing board of a  
37 private postsecondary educational institution receiving funds for  
38 student financial assistance with a full-time enrollment of less than  
39 1,000 students.

1 (e) This section shall apply to a campus of one of the public  
2 postsecondary educational systems identified in subdivision (a)  
3 only if that campus has a full-time equivalent enrollment of more  
4 than 1,000 students.

5 (f) Notwithstanding any other provision of this section, this  
6 section shall not apply to the California Community Colleges  
7 unless and until the Legislature makes funds available to the  
8 California Community Colleges for the purposes of this section.

9 SEC. 3. Section 69432.9 of the Education Code is amended to  
10 read:

11 69432.9. (a) A Cal Grant applicant shall submit a complete  
12 official financial aid application pursuant to Section 69433 and  
13 applicable regulations adopted by the commission. Each pupil  
14 enrolled in grade 12 in a California public school, including a  
15 charter school, other than pupils who opt out as provided in  
16 subdivision (d), shall be deemed to be a Cal Grant applicant.

17 (b) Financial need shall be determined to establish an applicant's  
18 initial eligibility for a Cal Grant award and a renewing recipient's  
19 continued eligibility using the federal financial need methodology  
20 pursuant to subdivision (a) of Section 69506 and applicable  
21 regulations adopted by the commission, and as established by Title  
22 IV of the federal Higher Education Act of 1965, as amended (20  
23 U.S.C. Secs. 1070 et seq.).

24 (1) "Expected family contribution," with respect to an applicant  
25 or renewing recipient, shall be determined using the federal  
26 methodology pursuant to subdivision (a) of Section 69506 (as  
27 established by Title IV of the federal Higher Education Act of  
28 1965, as amended (20 U.S.C. Secs. 1070 et seq.)) and applicable  
29 rules and regulations adopted by the commission.

30 (2) "Financial need" means the difference between the student's  
31 cost of attendance as determined by the commission and the  
32 expected family contribution. The calculation of financial need  
33 shall be consistent with Title IV of the federal Higher Education  
34 Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.).

35 (3) (A) The minimum financial need required for receipt of an  
36 initial and renewal Cal Grant A or C award shall be no less than  
37 the maximum annual award value for the applicable institution,  
38 plus an additional one thousand five hundred dollars (\$1,500) of  
39 financial need.

1 (B) The minimum financial need required for receipt of an initial  
2 and renewal Cal Grant B award shall be no less than seven hundred  
3 dollars (\$700).

4 (c) (1) The commission shall require that a grade point average  
5 be submitted to it for all Cal Grant A and B applicants, except for  
6 those permitted to provide test scores in lieu of a grade point  
7 average.

8 (2) The commission shall require that a grade point average be  
9 submitted to it electronically on a standardized form for all grade  
10 12 pupils at public schools, including charter schools, *no later than*  
11 *October 1* of each academic year, except for pupils who have opted  
12 out as provided in subdivision (d). Social security numbers shall  
13 not be included in the information submitted to the commission.  
14 However, if the commission determines that a social security  
15 number is required to complete the application for financial aid,  
16 the school, school district, or charter school may obtain permission  
17 from the parent or guardian of the pupil, or the pupil, if he or she  
18 is 18 years of age, to submit the pupil's social security number to  
19 the commission.

20 (3) The commission shall require that each report of a grade  
21 point average include a certification, executed under penalty of  
22 perjury, by a school official, that the grade point average reported  
23 is accurately reported. The certification shall include a statement  
24 that it is subject to review by the commission or its designee.

25 (4) The commission shall adopt regulations that establish a grace  
26 period for receipt of the grade point average and any appropriate  
27 corrections, and that set forth the circumstances under which a  
28 student may submit a specified test score designated by the  
29 commission, by regulation, in lieu of submitting a qualifying grade  
30 point average.

31 (5) It is the intent of the Legislature that high schools and  
32 institutions of higher education certify the grade point averages of  
33 their students in time to meet the application deadlines imposed  
34 by this chapter.

35 (6) It is the intent of the Legislature that the commission make  
36 available to each high school and school district a report identifying  
37 all grade 12 pupils within the high school or school district,  
38 respectively, who have and have not completed the Free  
39 Application for Federal Student Aid or the California Dream Act  
40 Application.



(d) (1) The school district or charter school shall, no later than ~~October 15~~ *January 1* of a pupil's grade-~~12~~ *11* academic year, notify, in writing, each grade-~~12~~ *11* pupil and, for a pupil under 18 years of age, his or her parent or guardian that, pursuant to subdivision (a), the pupil will be deemed a Cal Grant applicant unless the pupil opts out within a period of time specified in the notice, which shall not be less than 30 days. The required notice shall indicate when the school will first send grade point averages to the ~~commission~~. *commission and the submission deadline of October 1*. The school district or charter school shall provide an opportunity for the pupil to opt out of being automatically deemed a Cal Grant applicant.

(2) Until a pupil turns 18 years of age, only a parent or guardian may opt the pupil out. Once a pupil turns 18 years of age, only the pupil may opt himself or herself out and, if prior to the conclusion of the notice period, the pupil may opt in over the prior decision of a parent or guardian to opt out.

SEC. 4. Section 69439 of the Education Code is amended to read:

69439. (a) For the purposes of this section, the following terms have the following meanings:

(1) "Career pathway" has the same meaning as set forth in Section 88620.

(2) "Economic security" has the same meaning as set forth in Section 14005 of the Unemployment Insurance Code.

(3) "Industry cluster" has the same meaning as set forth in Section 88620.

(4) "Long-term unemployed" means, with respect to an award applicant, a person who has been unemployed for more than 26 weeks at the time of submission to the commission of his or her application.

(5) "Occupational or technical training" means that phase of education coming after the completion of a secondary school program and leading toward recognized occupational goals approved by the commission.

(b) A Cal Grant C award shall be utilized only for occupational or technical training in a course of not less than four months. There shall be the same number of Cal Grant C awards each year as were made in the 2000–01 fiscal year. The maximum award amount

1 and the total amount of funding shall be determined each year in  
2 the annual Budget Act.

3 (c) The commission may use criteria it deems appropriate in  
4 selecting students to receive grants for occupational or technical  
5 training and shall give special consideration to the social and  
6 economic situations of the students applying for these grants, giving  
7 additional weight to disadvantaged applicants, applicants who face  
8 economic hardship, and applicants who face particular barriers to  
9 employment. Criteria to be considered for these purposes shall  
10 include, but are not limited to, all of the following:

11 (1) Family income and household size.

12 (2) Student's or the students' parent's household status,  
13 including whether the student is a single parent or child of a single  
14 parent.

15 (3) The employment status of the applicant and whether the  
16 applicant is unemployed, giving greater weight to the long-term  
17 unemployed.

18 (d) The Cal Grant C award recipients shall be eligible for  
19 renewal of their grants until they have completed their occupational  
20 or technical training in conformance with terms prescribed by the  
21 commission. A determination by the commission for a subsequent  
22 award year that the program under which a Cal Grant C award was  
23 initially awarded is no longer deemed to receive priority shall not  
24 affect an award recipient's renewal. In no case shall the grants  
25 exceed two calendar years.

26 (e) Cal Grant C awards may be used for institutional fees,  
27 charges, and other costs, including tuition, plus training-related  
28 costs, such as special clothing, local transportation, required tools,  
29 equipment, supplies, books, and living expenses. In determining  
30 the individual award amounts, the commission shall take into  
31 account the financial means available to the student to fund his or  
32 her course of study and costs of attendance as well as other state  
33 and federal programs available to the applicant.

34 (f) (1) To ensure alignment with the state's dynamic economic  
35 needs, the commission, in consultation with appropriate state and  
36 federal agencies, including the Economic and Workforce  
37 Development Division of the Office of the Chancellor of the  
38 California Community Colleges and the California Workforce  
39 Investment Board, shall identify areas of occupational and technical  
40 training for which students may utilize Cal Grant C awards. The

1 commission, to the extent feasible, shall also consult with  
2 representatives of the state's leading competitive and emerging  
3 industry clusters, workforce professionals, and career technical  
4 educators, to determine which occupational training programs and  
5 industry clusters should be prioritized.

6 (2) (A) Except as provided in subparagraph (B), the areas of  
7 occupational and technical training developed pursuant to  
8 paragraph (1) shall be regularly reviewed and updated at least  
9 every five years, beginning in 2012.

10 (B) By January 1, 2016, the commission shall update the priority  
11 areas of occupational and technical training.

12 (3) (A) The commission shall give priority in granting Cal  
13 Grant C awards to students pursuing occupational or technical  
14 training in areas that meet two of the following criteria pertaining  
15 to job quality:

16 (i) High employer need or demand for the specific skills offered  
17 in the program.

18 (ii) High employment growth in the occupational field or  
19 industry cluster for which the student is being trained.

20 (iii) High employment salary and wage projections for workers  
21 employed in the occupations for which they are being trained.

22 (iv) The occupation or training program is part of a  
23 well-articulated career pathway to a job providing economic  
24 security.

25 (B) To receive priority pursuant to subparagraph (A), at least  
26 one of the criteria met shall be specified in clause (iii) or (iv) of  
27 that subparagraph.

28 (g) The commission shall determine areas of occupational or  
29 technical training that meet the criteria described in paragraph (3)  
30 of subdivision (f) in consultation with the Employment  
31 Development Department, the Economic and Workforce  
32 Development Division of the Office of the Chancellor of the  
33 California Community Colleges, and the California Workforce  
34 Investment Board using projections available through the Labor  
35 Market Information Data Library. The commission may supplement  
36 the analyses of the Employment Development Department's Labor  
37 Market Information Data Library with the labor market analyses  
38 developed by the Economic and Workforce Development Division  
39 of the Office of the Chancellor of the California Community  
40 Colleges and the California Workforce Investment Board, as well

1 as the projections of occupational shortages and skills gap  
2 developed by industry leaders. The commission shall publish, and  
3 retain, on its Internet Web site a current list of the areas of  
4 occupational or technical training that meet the criteria described  
5 in paragraph (3) of subdivision (f), and update this list as necessary.

6 (h) Using the best available data, the commission shall examine  
7 the graduation rates and job placement data, or salary data, of  
8 eligible programs. Commencing with the 2014–15 academic year,  
9 the commission shall give priority to Cal Grant C award applicants  
10 seeking to enroll in programs that rate high in graduation rates and  
11 job placement data, or salary data.

12 (i) (1) The commission shall consult with the Employment  
13 Development Department, the Office of the Chancellor of the  
14 California Community Colleges, the California Workforce  
15 Investment Board, and the local workforce investment boards to  
16 develop a plan to publicize the existence of the grant award  
17 program to California’s long-term unemployed to be used by those  
18 consulting agencies when they come in contact with members of  
19 the population who are likely to be experiencing long-term  
20 unemployment. The outreach plan shall use existing administrative  
21 and service delivery processes making use of existing points of  
22 contact with the long-term unemployed. The local workforce  
23 investment boards are required to participate only to the extent  
24 that the outreach efforts are a part of their existing responsibilities  
25 under the federal Workforce Investment Act of 1998 (Public Law  
26 105-220).

27 (2) The commission shall consult with the Workforce Services  
28 Branch of the Employment Development Department, the Office  
29 of the Chancellor of the California Community Colleges, the  
30 California Workforce Investment Board, and the local workforce  
31 investment boards to develop a plan to make students receiving  
32 awards aware of job search and placement services available  
33 through the Employment Development Department and the local  
34 workforce investment boards. Outreach shall use existing  
35 administrative and service delivery processes making use of  
36 existing points of contact with the students. The local workforce  
37 investment boards are required to participate only to the extent  
38 that the outreach efforts are a part of their existing responsibilities  
39 under the federal Workforce Investment Act of 1998 (Public Law  
40 105-220).

1 (j) (1) ~~Notwithstanding Section 10231.5 of the Government~~  
2 ~~Code, the~~ The Legislative Analyst's Office shall submit a report  
3 to the Legislature on the outcomes of the Cal Grant C program on  
4 or before April 1, ~~2015, and on or before April 1 of each~~  
5 ~~odd-numbered year thereafter. 2017.~~ This report shall include, but  
6 not necessarily be limited to, information on all of the following:

7 (A) The age, gender, and segment of attendance for recipients  
8 in two prior award years.

9 (B) The occupational and technical training program categories  
10 prioritized.

11 (C) The number and percentage of students who received  
12 selection priority as defined in paragraph (3) of subdivision (f).

13 (D) The extent to which recipients in these award years were  
14 successfully placed in jobs that meet local, regional, or state  
15 workforce needs.

16 (2) For the report ~~due on or before April 1, 2015, submitted~~  
17 ~~pursuant to paragraph (1),~~ the Legislative Analyst's Office shall  
18 include data for two additional prior award years and shall compare  
19 the mix of occupational and technical training programs and  
20 institutions in which Cal Grant C award recipients enrolled before  
21 and after implementation of subdivision (f).

22 (3) *Notwithstanding Section 10231.5 of the Government Code,*  
23 *the commission shall submit a report to the Legislature on or*  
24 *before April 1, 2019, and on or before April 1st of each*  
25 *odd-numbered year thereafter, that includes the information*  
26 *specified in paragraph (1).*

27 ~~(3)~~

28 (4) A report to be submitted pursuant to this subdivision shall  
29 be submitted in compliance with Section 9795 of the Government  
30 Code.

31 SEC. 5. Section 99161.5 of the Education Code is amended to  
32 read:

33 99161.5. (a) (1) The test sponsor of the Law School Admission  
34 Test shall provide testing accommodations to a test subject with  
35 a disability who makes a timely request to ensure that the Law  
36 School Admission Test accurately reflects the aptitude,  
37 achievement levels, or other factors that the test purports to  
38 measure and does not reflect the test subject's disability. This  
39 paragraph does not constitute a change in, but is declaratory of,  
40 existing law.

(2) The process for determining whether to grant an accommodation under paragraph (1) shall be made public, and the decision whether or not to approve a request for an accommodation shall be conveyed to the requester within a reasonable amount of time. If the test sponsor of the Law School Admission Test does not approve a request for accommodation, the test sponsor shall state the reasons for the denial of the request to the requester in writing.

(3) The test sponsor of the Law School Admission Test shall establish a timely appeals process for a test subject who is denied an accommodation request. The test sponsor of the Law School Admission Test shall clearly post on the Law School Admission Test Internet Web site information regarding refund policies for individuals whose requests for accommodation are denied.

(b) Whenever a test subject has received formal testing accommodations from a postsecondary educational institution for a disability as defined in subdivision (j), ~~(l), or (m)~~ (m), or (n) of Section 12926 of the Government Code, the test sponsor of the Law School Admission Test shall, consistent with existing law, give considerable weight to documentation of past modifications, accommodations, or auxiliary aids or services received by the test subject in similar testing situations when determining whether to grant an accommodation to the test subject.

(c) (1) The test sponsor of the Law School Admission Test shall not notify a test score recipient that the score of any test subject was obtained by a subject who received an accommodation pursuant to this section.

(2) The test sponsor of the Law School Admission Test shall not withhold any information that would lead a test score recipient to deduce that a score was earned by a subject who received an accommodation pursuant to this section.

(3) This subdivision does not constitute a change in, but is declaratory of, existing law.

(d) This section shall not be construed to limit or replace any other right or remedy that exists under state or federal law.

(e) This section shall not provide greater protections to persons with disabilities than those provided by Section 51 of the Civil Code.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to

1 local agencies and school districts for those costs shall be made  
2 pursuant to Part 7 (commencing with Section 17500) of Division  
3 4 of Title 2 of the Government Code.

O